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6 **BEFORE THE**  
7 **BOARD OF REGISTERED NURSING**  
8 **DEPARTMENT OF CONSUMER AFFAIRS**  
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 **AMY SUE HUSS**  
12 **13732 Oakley Road**  
13 **Chesaning, MI 48616**

14 **Registered Nurse License No. 678482**

15 Respondent.

Case No. 2011-679

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

16 **FINDINGS OF FACT**

17 1. On or about February 2, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her  
18 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
19 Consumer Affairs, filed Accusation No. 2011-679 against Amy Sue Huss (Respondent) before  
20 the Board of Registered Nursing. (Accusation attached as Exhibit A.)

21 2. On or about April 28, 2006, the Board of Registered Nursing (Board) issued  
22 Registered Nurse License No. 678482 to Respondent. The Registered Nurse License was in full  
23 force and effect at all times relevant to the charges brought herein and will expire on October 31,  
24 2011, unless renewed.

25 3. On or about February 2, 2011, Respondent was served by Certified and First Class  
26 Mail copies of the Accusation No. 2011-679, Statement to Respondent, blank Notice of Defense,  
27 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,  
28 and 11507.7) at Respondent's address of record which, pursuant to California Code of  
Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board

1 which was: 3710 Wabash Ave., Apt 223, San Diego, CA 92104. On or about February 2, 2011, a  
2 courtesy copy of the aforementioned documents was also served on Respondent via Certified and  
3 First Class Mail at 133 Nanita Drive, Montrose, MI 48457. The Certified Mail sent to the address  
4 of record and courtesy copy, were returned by the U.S. Postal Service with the forwarding  
5 address of 13732 Oakley Rd, Chesaning, MI 48616. On or about February 24, 2011, Respondent  
6 updated her address of record, pursuant to California Code of Regulations, title 16, section  
7 1409.1, to: 13732 Oakley Road, Chesaning, MI 48616. On or about was February 24, 2011,  
8 Respondent was re-served by Certified and First Class Mail copies of the Accusation No. 2011-  
9 679, Statement to Respondent, blank Notice of Defense, Request for Discovery, and Discovery  
10 Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's new address  
11 of record which, pursuant to California Code of Regulations, title 16, section 1409.1, is required  
12 to be reported and maintained with the Board, which was and is: 13732 Oakley Road, Chesaning,  
13 MI 48616.

14 4. Service of the Accusation was effective as a matter of law under the provisions of  
15 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
16 124.

17 5. The aforementioned documents served to 13732 Oakley Road, Chesaning, MI 48616  
18 were not returned by the U.S. Postal Service.

19 6. Government Code section 11506 states, in pertinent part:

20 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
21 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
22 of the accusation not expressly admitted. Failure to file a notice of defense shall  
constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
may nevertheless grant a hearing.

23 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
24 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-  
25 679.

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1 8. California Government Code section 11520 states, in pertinent part:

2 (a) If the respondent either fails to file a notice of defense or to appear at the  
3 hearing, the agency may take action based upon the respondent's express admissions  
4 or upon other evidence and affidavits may be used as evidence without any notice to  
5 respondent.

6 9. Pursuant to its authority under Government Code section 11520, the Board finds  
7 Respondent is in default. The Board will take action without further hearing and, based on the  
8 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
9 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
10 file at the Board's offices regarding the allegations contained in Accusation No. 2011-679, finds  
11 that the charges and allegations in Accusation No. 2011-679, are separately and severally, found  
12 to be true and correct by clear and convincing evidence.

13 10. Taking official notice of its own internal records, pursuant to Business and  
14 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
15 and Enforcement is \$7,906.00 as of March 23, 2011.

16 **DETERMINATION OF ISSUES**

17 1. Based on the foregoing findings of fact, Respondent Amy Sue Huss has subjected her  
18 Registered Nurse License No. 678482 to discipline.

19 2. The agency has jurisdiction to adjudicate this case by default.

20 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered  
21 Nurse License based upon the following violations alleged in the Accusation which are supported  
22 by the evidence contained in the Default Decision Evidence Packet in this case.:

23 a. Respondent is subject to disciplinary action for unprofessional conduct under section  
24 2762(a) in that while she was employed as a registered nurse at UCSD, Respondent unlawfully  
25 obtained and possessing controlled substances.

26 b. Respondent is subject to disciplinary action for unprofessional conduct under Code  
27 section 2762(e) for falsifying or making grossly incorrect, inconsistent and/or unintelligible  
28 entries in the hospital records by withdrawing medication from the Pyxis machine, charging the

1 withdrawal to patients who did not receive the drugs or for whom Respondent did not document  
2 administration or wastage of the drug.


3 ORDER

4 IT IS SO ORDERED that Registered Nurse License No. 678482, heretofore issued to  
5 Respondent Amy Sue Huss, is revoked.

6 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a  
7 written motion requesting that the Decision be vacated and stating the grounds relied on within  
8 seven (7) days after service of the Decision on Respondent. The agency in its discretion may  
9 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

10 This Decision shall become effective on June 22, 2011.

11 It is so ORDERED May 23, 2011.

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14 FOR THE BOARD OF REGISTERED NURSING  
15 DEPARTMENT OF CONSUMER AFFAIRS

16 80478047.DOC  
17 DOJ Matter ID:SD2011700176

18 Attachment:  
19 Exhibit A: Accusation  
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# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
3 NICOLE R. COOK  
Deputy Attorney General  
4 State Bar No. 263607  
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5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2143  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11  
12 Case No. **2011-679**

13 In the Matter of the Accusation Against:

14 **AMY SUE HUSS**  
**133 Nanita Drive**  
**Montrose, MI 48457**

**ACCUSATION**

15 **3710 Wabash Ave., Apt. 223**  
**San Diego, CA 92104**

16 **Registered Nurse License No. 678482**

17  
18 Respondent.

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20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her  
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of  
24 Consumer Affairs.

25 2. On or about April 28, 2006, the Board of Registered Nursing issued Registered Nurse  
26 License Number 678482 to Amy Sue Huss (Respondent). The Registered Nurse License was in  
27 full force and effect at all times relevant to the charges brought herein and will expire on October  
28 31, 2011, unless renewed.

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1 administration of the medication on the patient's MAR and there is no record of wastage.

2 Therefore, 2 tablets of Oxycodone are unaccounted for.

3 b. On November 24, 2007 at 0052 hours, Respondent withdrew 2 tablets of  
4 Oxycodone 5 mg from the Pyxis machine for this patient. Respondent failed to document  
5 administration of the medication on the patient's MAR and there is no record of wastage.  
6 Therefore, 2 tablets of Oxycodone are unaccounted for.

7 c. On November 24, 2007 at 0440 hours, Respondent withdrew 2 tablets of  
8 Oxycodone 5 mg from the Pyxis machine for this patient. Respondent failed to document  
9 administration of the medication on the patient's MAR and there is no record of wastage.  
10 Therefore, 2 tablets of Oxycodone are unaccounted for.

11 d. On November 24, 2007 at 2032 hours, Respondent withdrew 2 tablets of  
12 Oxycodone 5 mg from the Pyxis machine for this patient. Respondent failed to document  
13 administration of the medication on the patient's MAR and there is no record of wastage.  
14 Therefore, 2 tablets of Oxycodone are unaccounted for.

15 14. On or about December 5, 2007 during a meeting between Respondent, the Director of  
16 Nursing, and the Director of Administrative Services at UCSD, Respondent admitted that she  
17 diverted controlled substances for self use and agreed to participate in a treatment program.

18 15. In a letter to a Division of Investigation investigator for the Board, Respondent  
19 admitted that she entered the Board's Diversion Program in January 2008, but was terminated  
20 prior to completion due to health problems.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Unprofessional Conduct – Obtain Controlled Substances Unlawfully)**

23 16. Respondent is subject to disciplinary action for unprofessional conduct under section  
24 2762(a) in that while she was employed as a registered nurse at UCSD, Respondent obtained and  
25 possessing controlled substances unlawfully as is more particularly set forth in paragraphs 11  
26 through 15 above, and incorporated herein as though set forth in full.

1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Falsify or Make Grossly Incorrect or Inconsistent Entries)

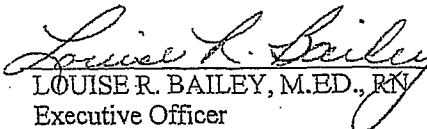
3 17. Respondent is subject to disciplinary action for unprofessional conduct under Code  
4 section 2762(e) for falsifying or making grossly incorrect, inconsistent and/or unintelligible  
5 entries in the hospital records by withdrawing medication from the Pyxis machine, charging the  
6 withdrawal to patients who did not receive the drugs or for whom Respondent did not document  
7 administration or wastage of the drug as is more particularly set forth in paragraphs 11 through 15  
8 above, and incorporated herein as though set forth in full.

9 PRAYER

10 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
11 and that following the hearing, the Board of Registered Nursing issue a decision:

- 12 1. Revoking or suspending Registered Nurse License Number 678482, issued to Amy  
13 Sue Huss;
- 14 2. Ordering Amy Sue Huss to pay the Board of Registered Nursing the reasonable costs  
15 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
16 section 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.

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19  
20 DATED: 2/2/11

  
LOUISE R. BAILEY, M.B.D., RN  
Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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